6.9 LAND USE AND PLANNING

	Potentially Significant Impact	*Less than Significant with Mitigation Incorporation*	*Less than Significant Impact*	*No Impact*
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	☒

6.9.1 Approach to Analysis

The analysis of land use impacts focussed on identification of the changes expected to result from project implementation and evaluation of the significance of such changes, based on significance criteria discussed below. The changes that would be expected to occur due to the project are identified based on information presented in Chapter 3, Project Description, and Chapter 4, Project Route Description, concerning the location of project facilities, including fiber optic cable conduit and Points of Presence (POPs), construction methods and procedures, project design and management.

6.9.2 Impact Significance Criteria

The significance of impacts of the project is based on the CEQA Environmental Checklist criteria (above) and whether the project would result in the following:

- Substantial changes to land uses in its vicinity, or
- Incompatibility with long-term uses on adjacent properties.

6.9.3 Impact Mechanisms

Proposed projects would have a significant effect if they create a physical barrier in an established community or neighborhood, such as a structure that would prevent circulation by pedestrians or vehicles. Projects would also have a significant effect if they involve uses other than those indicated for the project area in local land use plans, or if they would not comply with policies or regulations established by general or specific plans, or with those set by zoning, subdivision, grading, or other ordinances that concern land use. Compliance with land use policies and zoning regulations are intended to protect against incompatibility of adjacent uses, since incompatibility

of adjacent or proximate land uses can lead to substantial changes in land uses on other properties. A proposed project may also have a significant impact if it would jeopardize a biological resource protected by a habitat conservation or natural community conservation plan.

6.9.4 Impact Assessment

In general, the project would have minimal land use impact. Metromedia's proposed networks would consist of conduit alignments that would primarily be located underground within previously disturbed rights-of-way of public roadways and railroads. Conduit access points would be flush with ground level or in otherwise unobtrusive locations. Chapter 4, Project Route Description, identifies the locations of the proposed conduit sections and Chapter 3 summarizes construction methods and practices that would be used. Metromedia would comply with the applicable land use and zoning requirements.

The construction phase would be the source of much of the temporary land use conflicts associated with the project. Conduit would be installed using either open trenching or directional boring techniques, as described in Chapter 3, Project Description, which would cause surface disturbance for a short period during installation. Conduit installation would have no long-term impacts on land use.

POP construction and operation would also result in minimal impacts. The POPs would be constructed in accordance with applicable land use regulations, plans, and policies at locations within railroad rights-of-way or on land proximate to the conduit alignment. Review of POP facility architectural design and landscaping would be performed as required, prior to construction. All POPs proposed to be constructed would be located in urban areas with mostly industrial/commercial and transportation surrounding uses. As indicated by Table 5.9-1, all but one of the POPs to be constructed outside of existing buildings would be located within railroad rights-of-way.

No land use impacts are expected to be caused by the POP facilities that would be located in existing buildings, given that no alteration of the use of existing buildings would be necessary to accommodate such POPs. All of the Los Angeles Basin Network POPs and two of the San Francisco Bay Area POPs would be located within existing buildings.

Metromedia has designed the project to include management, training, construction methods and practices, and other approaches that would avoid or minimize project impacts and ensure compliance with applicable standards and regulations, as described in Chapter 3, Project Description. The potential land use impacts of the project are discussed below. Compliance with plans and regulations related to the State Scenic Highways program are discussed in section 6.1, Aesthetics.

6.9.4.1 San Francisco Bay Area Network

a. Would the proposed project physically divide an established community?

The project would not physically divide established communities or neighborhoods. The project would consist of the installation of fiber optic conduit primarily within existing, previously disturbed railroad and roadway rights-of-way and construction of ancillary facilities such as POPs.

All conduit would be installed underground or attached to existing bridge structures, and therefore would not create a physical division of an established community.

Some of the proposed POP facilities proposed for this network would entail construction of new buildings (in San Mateo, Redwood City, Mountain View, Palo Alto, Hayward, Fremont, and Santa Clara) and would be located within railroad rights-of-way or on land owned by Metromedia proximate to the conduit route. The POP facilities would range in size from 1,000 to 15,000 usable square feet. POPs would be compatible with surrounding land uses and would not divide an established community or neighborhood.

Proposed POP facilities for this network located within existing buildings (in Oakland and San Jose) would not change the use of the existing building. These POP facilities would not create a physical barrier in an established community or neighborhood.

b. Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LU-1: Possible conflict with applicable local land use plans, policies, and regulations might occur. (Less than Significant with Identified Mitigation)

Although the project is predicated upon compliance with applicable local plans and regulations concerning land use, the project necessarily proposes specific locations for facilities, including conduit alignments and POPs, and conflict may occur with local land use plans and regulations intended to protect the environment. To implement the project, Metromedia is required to obtain, at a minimum, encroachment permits to work in railroad and public rights-of-way. This process provides a key early communication link with City staff and provides the opportunity to learn exactly what local plans and policies apply, and what other permits may be required, if any (see Appendix K for a list of jurisdictions contacted). Most jurisdictions do not have general plan policies regarding telecommunications facilities, and railroad and public rights-of-way are commonly used as utility corridors. Impacts from potential conflicts with land use plans and policies would be less than significant as long as the project complies with the applicable plans, policies, and regulations.

Mitigation Measure LU-1: Metromedia would comply with local plans, policies, and regulations.

As described in Chapter 3, Project Description, Metromedia would identify and comply with applicable local plans, policies, and regulations, including obtaining necessary local zoning permits and meeting conditions for approval, prior to commencing construction activities associated with the installation of conduit and construction of POP facilities.

c. Would the proposed project conflict with any applicable habitat conservation plan or natural community conservation plan?

There are no habitat conservation or natural community conservation plans applicable to the area where the project would be located.

d. Would the proposed project cause other significant land use effects?

Short-term construction activities adjacent to sensitive receptors identified in section 5.9.2.1 would result in temporary land use conflicts. Nuisance noise, air quality emissions, visibility of construction equipment and traffic congestion would occur along new build segments and at the 7 POP construction locations. However, these temporary incompatibilities would not preclude adjacent land uses. Impacts would be less than significant.

The conduit alignments of the project would not cause any long-term effects on land use. POP facilities would comply with applicable zoning requirements and would be compatible with surrounding land uses, and therefore would not cause substantial changes to other land uses in their vicinity or be incompatible with existing long-term uses on adjacent properties.

6.9.4.2 Los Angeles Basin Network

a. Would the proposed project physically divide an established community?

The project would not physically divide established communities or neighborhoods. The project would consist of the installation of fiber optic conduit primarily within existing, previously disturbed railroad and roadway rights-of-way and construction of ancillary facilities such as POPs. All conduit would be installed underground or attached to existing bridge structures, and therefore would not create a physical division of an established community.

All proposed POPs for the Los Angeles Basin Network would be located within existing buildings and would result in no change in the use of the existing building. No physical barriers in an established community or neighborhood would result. Impacts would be less than significant.

b. Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LU-1 would apply to the Los Angeles Basin Network (see section 6.9.4.1). Implementation of measure LU-1 would reduce impacts to less than significant.

c. Would the proposed project conflict with any applicable habitat conservation plan or natural community conservation plan?

There are no habitat conservation or natural community conservation plans applicable to the area where the project would be located.

d. Would the proposed project cause other significant land use effects?

Short-term construction activities adjacent to sensitive receptors identified in section 5.9.2.2 would result in temporary land use conflicts. Nuisance noise, air quality emissions, visibility of construction equipment and traffic congestion would occur along new build segments. However, these temporary incompatibilities would not preclude adjacent land uses. Impacts would be less than significant.

The conduit alignments of the project would not cause any long-term effects on land use. The POP facilities would be located within existing buildings, in locations appropriate for such a use, and therefore would not cause substantial changes to other land uses in their vicinity or be incompatible with existing long-term uses on adjacent properties.